

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ALBERT EDMOND

PLAINTIFF

VS.

CIVIL ACTION NO. 5:05cv24DCB-JCS

THELMA LINDSEY, ET AL.

DEFENDANTS

ORDER

This matter is before the Court pursuant to plaintiff's response to the order to show cause entered April 5, 2006 (docket entry number 30). As the plaintiff has been denied in forma pauperis status, it is his responsibility to serve the defendants in compliance with Rule 4 of the Federal Rules of Civil Procedure. According to his response, plaintiff was not aware until early May of this year, that the defendants, save defendant Hardy, had neither been served with process, nor had they executed the "waiver of service of process" form which he mailed to them. After he learned of his failure, he contacted counsel for the named defendants, who advised him that the defendants would not waive service of process. By his response, plaintiff requests additional time to serve the named defendants, excluding defendant Hardy. Accordingly, the Clerk of the court is directed to send plaintiff the appropriate forms and the plaintiff is given until August 15, 2006 to effect service of process upon the remaining defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure. If plaintiff fails to comply with or otherwise respond to this order, the court will dismiss the action for plaintiff's failure to prosecute. Fed. R. Civ. P. 41(b).

SO ORDERED, this the 29th day of June, 2006.

____s/ James C. Sumner_____
UNITED STATES MAGISTRATE JUDGE